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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,943	10/26/2001	Darren J. Cepulis	1662-50300 JMH (P99-2534)	3670
22879	7590	10/19/2005	EXAMINER BARQADLE, YASIN M	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/014,943

Applicant(s)

CEPULIS, DARREN J.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11, 14-25 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Response to Argument**

1. In view of the Appeal Brief filed on July 21, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### **Response to Amendment**

1. The amendment filed on July 21, 2005 has been fully considered but are moot in view of the new grounds of rejection.

- Claims 6-7, 12-13, and 26-27 are cancelled.
- Claims 1, 1-25 and 29 have been amended
- Claims 1-5, 8-11, 14-25 and 28-33 are pending.

### Response to Arguments

2. In response to applicant's arguments that "Cromer does not teach a management device [that] uses the host-specific information to manage a function that the host computer would otherwise manage" Examiner would like to draw applicant's attention to col. 9, lines 1-27) where the data packets transmitted by computer 12 (the host-specific information) includes the information for main computer 102 to identify system 12 and provide capabilities of computer system 12 (computer 12's identification and capabilities), such as (1) Universal Unique ID (UUID) which is used by main computer 102 to reference computer system 12, (2) serial number of system 12 which is used by main computer 102 to determine the model of computer system 12, (3) IEEE Address which is assigned by IEEE to uniquely identify computer 12 on a network, and (4) Ethernet Vendor which identifies the vendor of the Ethernet LAN subsystem 94 in system 12 used by the main computer 102 to select the correct device driver. Computer 102 manages these functions for computer 12 (referencing computer system 12, determine the model of computer system 12 and uniquely identifying computer 12 on a network) on its behalf while it is in the box.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8-11,14-25 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al US (6256732) in view of Leyda et al USPN. (6519698).

As per claim 1, Cromer et al teach a computer system, comprising:

a host computer (system 12) including a CPU (Fig. 3, 54) coupled to a memory (Fig. 3, 66 and 78), wherein the memory stores host-specific information [Fig. 3 and Col. 2, lines 39-62 and Col. 5, lines 10-34 and col. 8, lines 51-57]; and

a management device (figs. 4, 102) coupled to said host (see fig. 4), at least a portion of said host-specific is stored in the management device (a packet information e.g.,

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identification and capabilities of system 12 is received by computer 102) and wherein the management device uses the host-specific information to manage a function that the host computer would otherwise manage [Col. 9, lines 1-38 and col. 10, line 1-65].

Although Cromer et al shows substantial features of the claimed invention including storing host-specific (a packet information e.g., identification and capabilities in computer 102), he does not explicitly show where the storing of the host-specific information occurs during a boot process.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Cromer et al, as evidenced by Leyda et al USPN. (6519698).

In analogous art, Leyda et al whose invention is about a system of gathering system configuration during an initializing process, discloses storing system configuration information obtained during the initialization process (during boot time) in to an external memory [Col. 4, lines 1-14].

Giving the teaching of Leyda et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Cromer et al by employing the system of Leyda et al so that system configuration information is saved

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in a memory as a backup for later use (i.e., when the system fails).

As per claim 2, Cromer et al teach the computer system of claim 1 wherein said memory comprises non-volatile memory [Fig. 3, 66 and Fig.5, 120].

As per claim 3, Cromer et al teach the computer system of claim 2 wherein said memory comprises volatile memory [Fig.3, RAM 62]

As per claim 4, Cromer et al teach the computer system of claim 1 wherein said management device comprises a subsystem of the host computer [Figs. 4 & 5; col. 7, lines 29-64 and col. 8, lines 22-64].

As per claim 5, Cromer et al teach the computer system of claim 4 wherein the host specific information includes a signature which identifies the information whereby the management device locates and transfers said host specific information [Col. 8, lines 8-58 and Col. 9, lines 1-37].

As per claim 8, Cromer et al teach the computer system of claim 1, wherein said management device includes a CPU (computer 102;

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col. 23-29) that uses the host specific information to control a function for the host computer [col. 7, lines 46-64; Col.8, lines 42-64 and col. 10, lines 11-43].

As per claim 9, Cromer et al teach the computer system of claim 1 wherein the management device uploads the host specific information during power on self test of the host computer [Col.8, lines 22-67 and Col. 9, lines 1-67. see also col. 10, lines 47-62].

As per claim 10, Cromer et al teach the computer system of claim 4 wherein said management device uses said host specific information to provide management functionality for the host when the host computer is in a lower state [Col.8, lines 8-67 and Col. 9, lines 1-67. See also col. 10, lines 11-56].

As per claim 11, Cromer et al teach the computer system of claim 10 wherein the host specific information includes a signature which identifies the information and said management device searches for said signature to find said host specific information [Col. 9, lines 1-67].



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As per claim 14, Cromer et al teach the computer system of claim 10 wherein said separate device includes a CPU [Fig. 4, 102 & Fig. 5; col. 6, lines 23-30].

As per claim 15, Cromer et al teach the computer system of claim 10 wherein said management device operates from an auxiliary power source that is available even if the host computer is off [Figs. 4 & 5, 107 and Col. 8, lines 8-67 and Col. 9, lines 1-67].

As per claim 16, Cromer et al teach the computer system of claim 10 wherein the management device uploads the host specific information during power on self-test of the host [Col. 9, lines 1-67 and Col. 10, lines 1-56].

As per claim 24, Cromer et al teach a method of operating a logic unit (102, fig. 4) coupled to a host computer (12, fig. 4), comprising:

searching for host computer specific information [Figs. 6 and 7 shows host specific information and the steps needed to build and upload the data packet. See also Col. 8, lines 22-58 and Col. 9, line 58 to col. 10, line 56];

upon finding said information, storing said information in a memory of the logic unit [a packet information e.g.,

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identification and capabilities of system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56]; and

using the information during the operation of the logic unit to independently control a function for the host computer would otherwise control [Col. 8, lines 42-58 and col. 10, lines 11-43];

wherein said searching and uploading occur before run-time of the host computer [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62].

Although Cromer et al shows substantial features of the claimed invention including storing host-specific (a packet information e.g., identification and capabilities in computer 102), he does not explicitly show searching and uploading of computer specific information during a boot process.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Cromer et al, as evidenced by Leyda et al USPN. (6519698).

In analogous art, Leyda et al whose invention is about a system of gathering system configuration during an initializing process, discloses detecting configuration information, reading CPU information and storing the system configuration information

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obtained during the initialization process (POST) in to an external memory [Col. 4, lines 1-56].

Giving the teaching of Leyda et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Cromer et al by employing the system of Leyda et al so that system configuration information is saved in a memory as a backup for later use (i.e., when the system fails).

As per claim 25, Cromer et al teach the method of claim 24 wherein searching and uploading occur prior to run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62].

As per claim 28, Cromer et al teach the method of claim 24, wherein storing the computer specific information in a memory of the logic unit comprises storing at least one of an advanced configuration and power interface ("ACPI") table and a system management basic input/output system (SMBIOS") [col. 5, lines 10-34 and col. 7, lines 46-64].

As per claim 17 and 29, Cromer et al teach a logic unit sub-system (102,fig.4), comprising:

a CPU [computer 102];  
memory coupled to said CPU [computer 102, col.7, Lines 46-47];

wherein said logic unit sub-system is adapted to couple to a host computer system (see fig. 4, 12) and store a host computer information in the memory, whereby the logic unit sub-system uses the (table) to manage a function that the host computer system would otherwise manage [the host automatically transmits its identification and capability information at any power state (normal state, suspended state, off state or during Power on self test where it is received at computer 102 to facilitate configuring system 12. Col. 2, lines 39-62; Col.8, lines 8-67 and Col. 9, lines 1-67. See also col. 10, lines 21-62].

Although Cromer et al shows substantial features of the claimed invention, including host computer information stored in a memory, he is silent about storing the host computer information in a table. Nonetheless, using a table containing host computer information is well known in the art and would have been an obvious modification of the system disclosed by Cromer et al. using a table in Cromer's memory for storing the host computer information would facilitate identifying and retrieving data packets to be transmitted. Therefore, it would

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have been obvious to a person of ordinary skill in the art at the time of the invention to include a table in the system of Cromer et al for the advantage of storing data packets (host computer information) in an orderly manner and to facilitate in locating and retrieving stored contents quickly and efficiently. As for storing during boot process see claim 17 above.

As per claim 18 and 30, Cromer et al teach the invention wherein said logic unit sub-system comprises management logic which manages a function for the host computer system when the host computer is in a low power state [col. 8, lines 28-67; Col. 9, lines 12-57. see also col. 10, lines 11-43].

As per claim 19, Cromer et al as modified teach the invention wherein the host computer information includes a signature which identifies the information and said logic unit sub-system searches for said signature to find said table containing host computer information [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 20, Cromer et al as modified teach the logic unit of claim 19 wherein the logic unit sub-system is configured to request a CPU in the host computer system to coordinate the

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transfer of the table to the logic unit [Col.8, lines 42-58 and Col. 9, lines 1-67].

As per claim 21, Cromer et al as modified teach the logic unit of claim 19 wherein the logic unit sub-system uploads the table without the involvement of a CPU of the hosts computer system [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 22, Cromer et al as modified teach the logic unit of claim 17 wherein the logic unit uploads the table during a power on self test event as subsystem of the host computer [Col.8, lines 22-67 and Col. 9, lines 1-67. see also col. 10, lines 1-62].

As per claim 23, Cromer et al teach the logic unit sub-system of claim -17 wherein said logic unit operates from a different power source than the host computer system and, said logic unit can be powered on even if the host computer system is powered off [col. 9, lines 28-67 and Col. 10, lines 11-67].

As per claim 31, Cromer et al teach as modified wherein the management unit comprises a ROM memory that stores computer readable instructions for accessing and storing the instruction

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table [a packet information e.g., identification and capabilities of system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56]; and a processor (computer 102) that executes the computer readable instructions col. 10, line 1-62].

As per claim 32, Cromer et al teach as modified the system of claim 31, wherein the processor requests the CPU to transfer a copy of the information table to a memory of the management unit [a packet information e.g., identification and capabilities of system 12 is received by computer 102 Col.8, lines 8-58 and Col. 9, lines 1-38 and col. 10, line 1-56].

As per claim 33, Cromer et al as modified teach the invention wherein management logic of the management unit is configured to control the host computer's peripheral interface and is operable to read the instruction table from the host computer's memory unit such that the CPU is not needed to access and store the information [col. 7, lines 46-64 and col. 10, lines 11-56].

### Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR

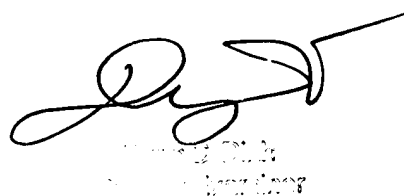


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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be "J. S. [unclear]", with a long horizontal line extending to the right. Below the signature, there is a faint, illegible stamp or text.